

United States District Court

NORTHERN

FILED
DISTRICT OF

CALIFORNIA

2007 JUN 13 A 11:18

UNITED STATES OF AMERICA

V.

SERRATO-Espinoza, Jose Angel
(Name and Address of Defendant)

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

CRIMINAL COMPLAINT

07 70339
CASE NUMBER:

PVT

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 2, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Bryan T. Kennedy
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

[Signature]
Signature of Complainant

Sworn to before me and subscribed in my presence,

6/13/07
Date

at

San Jose, California
City and State

Patricia V. Trumbull
United States Magistrate Judge
Name & Title of Judicial Officer

Patricia V. Trumbull
Signature of Judicial Officer

RE: SERRATO-Espinoza, Jose Angel A73 849 006

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

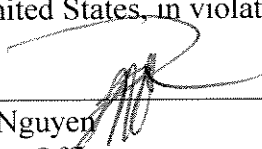
- (1) Mr. SERRATO-Espinoza is a 42-year-old male who has used six (6) aliases and one (1) date of birth in the past.
- (2) Mr. SERRATO-Espinoza has been assigned one (1) Alien Registration number of A73 849 006, FBI number of 749248PA5, California Criminal Information Index number of A07329969, and a California Department of Corrections number F08118.
- (3) Mr. SERRATO-Espinoza is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
May 29, 2001	Calexico, CA
December 3, 2001	Calexico, CA

- (4) Mr. SERRATO-Espinoza last entered the United States at or near San Ysidro, CA on or after December 3, 2001, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. SERRATO-Espinoza on a date unknown, but no later than May 2, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On May 2, 2007, Mr. SERRATO-Espinoza was interviewed by Immigration Enforcement Agent (IEA) Alejandro Sierra at the CTF-Soledad State Prison, Soledad, CA, and during that interview, Mr. SERRATO-Espinoza was advised of his **Miranda** rights in Spanish. Mr. SERRATO-Espinoza waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.
- (6) Mr. SERRATO-Espinoza was, on July 17, 1997, convicted in the Superior Court of California, in and for the County of Riverside, for the offense of POSSESSION OF CONTROLLED SUBSTANCE (case# P95F9250), a felony, in violation of Section 11377(A) of the California Health and Safety Code, and was sentenced to one (1) year and four (4) months in prison.

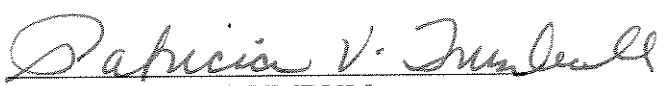
RE: SERRATO-Espinoza, Jose Angel A73 849 006

- (7) Mr. SERRATO-Espinoza was, on July 17, 1997, convicted in the Superior Court of California, in and for the County of Riverside, for the offense of POSSESSION FOR SALE OF CONTROLLED SUBSTANCE (case# PEF04955), an aggravated felony, in violation of Section 11378 of the California Health and Safety Code, and was sentenced to one (1) year and four (4) months in prison.
- (8) Mr. SERRATO-Espinoza was, on July 17, 1997, convicted in the Superior Court of California, in and for the County of Riverside, for the offense of POSSESSION OF FIREARM BY A FELON (case# PEF03640), an aggravated felony, in violation of Section 12021(a)(1) of the California Penal Code, and was sentenced to one (1) year and four (4) months in prison.
- (9) Mr. SERRATO-Espinoza was, on October 28, 1999, convicted in the Superior Court of California, in and for the County of Riverside (Perris case# PEF003400), for the offense of IMPORT, SALE, AND GIVE AWAY A CONTROLLED SUBSTANCE, a felony, in violation of Section 11379(a) of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (10) Mr. SERRATO-Espinoza was, on November 7, 2005, convicted in the Superior Court of Californian, in and for the County of Riverside (Southwest case# RIF126872), for the offense of POSSESSION OF CONTROLLED SUBSTANCE, a felony, in violation of Section 11377(a) of the California Health and Safety Code, and was sentenced to one (1) year and four (4) months in prison.
- (11) Mr. SERRATO-Espinoza was, on December 1, 2005, convicted in the Superior Court of California, in and for the County of Riverside (Southwest case# SWF014377), for the offense of POSSESSION OF FIREARM BY A FELON, an aggravated felony, in violation of Section 12021(a)(1) of the California Penal Code, and was sentenced to three (3) years in prison.
- (12) On the basis of the above information, there is probable cause to believe that Mr. SERRATO-Espinoza illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer

Subscribed and sworn to before me this 13 day of June, 2007



PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE